

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 24-CR-14002-ROSENBERG/MAYNARD**

**UNITED STATES OF AMERICA**

**vs.**

**ROBERT FRANCIS GILBERT,**

**Defendant.**

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**FACTUAL PROFFER**

COMES NOW, the United States of America, by and through its undersigned Assistant United States Attorney, and Robert Francis GILBERT (“Defendant” or “GILBERT”), together with his counsel, admits the government can prove the allegations contained within the Indictment, which charges the defendant with attempted enticement of a minor, in violation of Title 18, United States Code, Section 2422(b), and attempted transfer of obscene material to a minor, in violation of Title 18, United States Code, Section 1470; and also stipulates that those allegations, elements of the crime and the following recitation of the facts shall constitute the underlying factual basis for the entry of a plea of guilty in this case:

On July 4, 2023, Martin County Sheriff’s Office (“MCSO”) Detective Matthew Killough was conducting an undercover (“UC”) chat operation on a social network platform, posing as a fourteen-year-old female.<sup>1</sup> On that date, GILBERT, using the username *teabagme*, initiated a chat with the UC. The user profile for the *teabagme* account displayed the name *Bobby*, *58M* and

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<sup>1</sup> The UC profile indicated that the UC was a 20-year-old female. This platform, like many social network platforms, requires that the user be over 18 years old. However, it is commonly known that minors frequently use these platforms and simply display a false age.

contained photographs of GILBERT. After the UC accepted GILBERT's friend request, GILBERT transmitted six images exposing what appeared to be an adult penis. On July 6, 2023, GILBERT told the UC, *Absolutely love your profile pic babe I wish we could talk, so do you love older guys*. The UC then responded for the first time, saying *hi*. GILBERT then introduced himself as *Bobby*.

The UC then told GILBERT she was 14 years old, and GILBERT replied: *Okay is that okay with you do you like what I sent you*.

After informing GILBERT she was 14 years old, the UC received a new chat request from GILBERT on a different social network platform, under the username *Tony Fusha*. The user profile for the *Tony Fusha* account displayed the name *bobbyg3287* and contained a similar profile photograph. GILBERT then stated *Hi sweetheart how are you it's me Bobby...* GILBERT then sent five selfies.

Still on July 6, 2023, after receiving the images, the UC replied saying *hi*, and GILBERT responded by sending a 27-second video of him masturbating. During the video, GILBERT described, in graphic detail, that he wanted to have oral sex and sexual intercourse with the UC. During the video, GILBERT's face is clearly visible and is similar to both profile photographs used on social media.

After transmitting the video on July 6, 2023, GILBERT then asked the UC for nude images. Below is a screen shot from the chat (SUBJECT's messages are to the left, in white, and the UC messages are to the right in green):



GILBERT then sent three more videos of him masturbating and using the UC's name. GILBERT asked the UC if she'd had sex in the past, the two then again discussed the UC's age, and GILBERT sent two more videos of himself masturbating.

These videos, transmitted by GILBERT, appeared to have been made inside a prison or jail cell. After being asked if he was in jail, GILBERT informed the UC that he was and has a little more than a year left. The UC asked GILBERT why he was in jail, and he informed the UC he was arrested in 1999 for rape.

Still on July 6, 2023, GILBERT created a 14-second video showing him standing in what appears to be a prison/jail hallway or cell, and GILBERT again enticed the UC to send nude images:





Also on July 6, GILBERT asked the UC if she had any videos of her rubbing her vagina, to which the UC answered no. GILBERT then asked if she would make him a video. Later, he again asked the UC to make him some videos and pictures of her body, specifically asking for her vaginal area. GILBERT even gave specific instructions on how to make the video and how to masturbate in the video. The UC continuously refused. GILBERT also instructed the UC to delete what he has sent her, because she is younger and he would get in trouble.

Over the course of their conversation, GILBERT would send messages and images on both social network platforms and text messaging, though the majority of the messages were via text. On July 6, 2023, GILBERT asked the UC where in Florida she was, as he was “just trying to figure out how far I have to come to see you.” GILBERT then said that the UC was “still going to be young like 15 by the time” he came home. On July 9, 2023, GILBERT continued to solicit the UC, asking that the UC masturbate while video chatting with GILBERT. GILBERT then again asked the UC if she would have sexual intercourse with him.

GILBERT became more aggressive after about a week of messaging with the UC. On July 12, 2023, GILBERT talked about how he was going to have sex with the UC when he got out, and then told her to “bow down” and “do what I tell you” and that “I want those pictures.”

GILBERT then gave further instructions regarding what he wanted. On July 13, GILBERT sent a video to the UC in which he used the UC's name and said he needed her to make those videos and pictures, and to do it now while her mother was gone.

Throughout these conversations, the UC was located in the Southern District of Florida, and GILBERT was located at Rutledge State Prison in Columbus, Georgia.

On August 1, 2023, correctional officers at the Rutledge State Prison made contact with GILBERT in an attempt to retrieve the contraband cell phone within his cell. ~~When officers approached GILBERT's jail cell, GILBERT was seen attempting to conceal something behind the toilet.~~ Subsequently, a cell phone was recovered from exactly where GILBERT was attempting to conceal the device. Det. Killough then used his UC chat phone to call the phone number GILBERT was using; after calling this number, GILBERT's phone illuminated and displayed the UC's phone number.

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The parties agree that these facts, which do not include all the facts known to the government and Defendant, are sufficient to prove that:

Count One

- First:** The defendant knowingly intended to persuade, induce, entice, or coerce an individual to engage in sexual activity, as charged;
- Second:** The defendant used the Internet or a cellular telephone to do so;
- Third:** At the time, the defendant believed that such individual was less than 18 years old;
- Fourth:** If the sexual activity had occurred, one or more of the individual(s) engaging in sexual activity could have been charged with a criminal offense under the law of Florida or the United States; and
- Fifth:** The defendant took a substantial step towards committing the offense.

“Sexual activity” includes the production of child pornography.

Title 18, United States Code, Section 2422(b).

Count Two

- First:** The defendant knowingly transferred or attempted to transfer matter to another individual;
- Second:** The matter that the defendant knowingly transferred or attempted to transfer was “obscene”;
- Third:** The defendant knew that the individual to whom the transfer was knowingly made or attempted had not attained the age of 16 years; and
- Fourth:** The transfer was accomplished or attempted through the use of any facility or means of interstate or foreign commerce, including transmissions by computer on the internet.

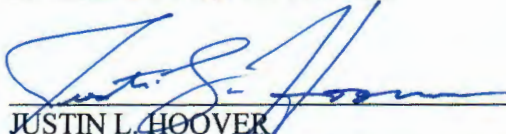
Title 18, United States Code, Section 1470.

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

Date:

8/23/2024

By:

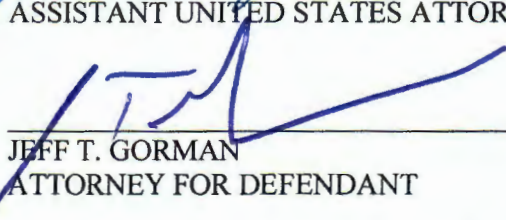


JUSTIN L. HOOVER  
ASSISTANT UNITED STATES ATTORNEY

Date:

8/21/24

By:

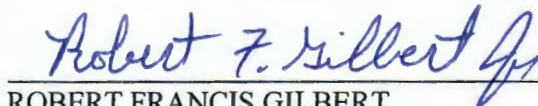


JEFF T. GORMAN  
ATTORNEY FOR DEFENDANT

Date:

8-21-24

By:



ROBERT FRANCIS GILBERT  
DEFENDANT